

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Chelsey Nichole McNeil

Docket No. 7:11-CR-110-1BR

Petition for Action on Probation

COMES NOW Michael C. Brittain, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Chelsey Nichole McNeil, who, upon an earlier plea of guilty to Distribute and Dispense Hydrocodone Without a Prescription in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on April 2, 2012, to a 60 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abide by all conditions and terms of the home detention program for a period of 8 months. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, medical or substance abuse treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

The defendant has been supervised by Senior U.S. Probation Officer Karen Tremblay, Middle District of North Carolina, throughout her supervision term. On May 1, 2012, the defendant tested positive for the use of marijuana. When confronted with the positive results she admitted the drug use. She was referred for substance abuse counseling at Daymark Recovery Services, Raeford, North Carolina. According to the treatment provider, Ms. McNeil missed two scheduled appointments during the months of June and July 2012.

On July 30, 2012, McNeil again tested positive for the use of marijuana in a urinalysis sample that was obtained. When confronted with the positive, the defendant again admitted smoking marijuana on one occasion and admitted that she had lied to the supervising officer concerning her continued drug use.

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On August 6, 2012, the defendant violated her electronic monitoring requirements by taking unauthorized leave from her residence from 7:35 p.m. until 9:29 p.m. When confronted with the violation, the defendant admitted being outside of her residence, but reports that she was just in front of her residence with some company that had come to visit.

The probation officer, Karen Tremblay, is recommending that Ms. McNeil's supervision be modified to include two weekends in jail as a sanction for her non-compliance with the conditions of supervision. She will remain in outpatient treatment and random urinalysis testing will be increased. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons from 5:00 p.m. each Friday until 7:00 a.m. each Monday for a period of 2 consecutive weekends, commencing at the direction of the probation officer, and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Michael C. Brittain

Michael C. Brittain
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8660
Executed On: October 11, 2012

ORDER OF COURT

Considered and ordered this 15 day of October, 2012, and ordered filed and made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

